

## DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 642

[Docket No. 940710-4210; I.D. 062894A]

## Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule.

**SUMMARY:** NMFS issues a preliminary notice of changes in the management regimes for the Atlantic migratory groups of king and Spanish mackerel and the Gulf of Mexico group of king mackerel, in accordance with the framework procedure for adjusting management measures of the Fishery Management Plan for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (FMP). This rule proposes changes in the total allowable catch (TAC) for the Atlantic groups of king and Spanish mackerel and for changes in the commercial vessel trip limits for Gulf group king mackerel. The intended effect is to protect king and Spanish mackerel from overfishing and continue stock rebuilding programs while still allowing catches by important recreational and commercial fisheries dependent on king and Spanish mackerel.

**DATES:** Written comments must be received on or before August 24, 1994.  
**ADDRESSES:** Comments must be mailed to Mark F. Godcharles, Southeast Region, National Marine Fisheries Service, 9721 Executive Center Drive, St. Petersburg, FL 33702.

Requests for copies of the environmental assessment and regulatory impact review supporting this action should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609-2486.

**FOR FURTHER INFORMATION CONTACT:** Mark F. Godcharles, 813-893-3161.

**SUPPLEMENTARY INFORMATION:** The fisheries for coastal migratory pelagic resources are regulated under the FMP. The FMP was prepared jointly by the Gulf of Mexico and South Atlantic Fishery Management Councils (Councils) and is implemented by regulations at 50 CFR part 642.

In accordance with the framework procedure of the FMP, the Councils appointed a stock assessment panel (panel) to assess on an annual basis the condition of each stock of king and Spanish mackerel in the management unit, to report its findings, and to make recommendations to the Councils. Based on the panel's 1994 report and recommendations, advice from the Mackerel Advisory Panels and the Scientific and Statistical Committees, and public input, the Councils recommended to the Director, Southeast Region, NMFS (Regional Director), changes to the TAC and allocations for the Atlantic migratory groups of king and Spanish mackerel, and changes in the commercial trip limits for Gulf group king mackerel in the Florida east and west coast sub-zones of the eastern zone. The recommended changes are within the scope of the management measures that may be adjusted, as specified at 50 CFR 642.29. For the 1994-95 fishing year, the Councils recommended no changes for Gulf group Spanish mackerel or for cobia.

Specifically, the Councils recommended that, effective with the fishing year that began April 1, 1994, the annual TAC for the Atlantic migratory group of Spanish mackerel be increased from 9.00 million lb (4.08 million kg) to 9.20 million lb (4.170 million kg) and the annual TAC for the Atlantic migratory group of king mackerel be decreased from 10.50 million lb (4.76 million kg) to 10.00 million lb (4.536 million kg). These recommended TACs are within the range of the acceptable biological catch chosen by the Councils. Under the provisions of the FMP, the recreational and commercial fisheries are allocated a fixed percentage of the TAC. Under the established percentages, the proposed TACs for the fishing year that commenced April 1, 1994, would be allocated as follows:

Species	m. lb	m. kg
Atlantic Spanish Mackerel—TAC .....	9.20	4.170
Recreational allocation (50%) .....	4.60	2.085
Commercial allocation (50%) .....	4.60	2.085

Species	m. lb	m. kg
Atlantic King Mackerel—TAC .....	10.00	4.536
Recreational allocation (62.9%) .....	6.29	2.853
Commercial allocation (37.1%) .....	3.71	1.683

The commercial sector of the Atlantic group Spanish mackerel fishery is managed under trip limits. In the southern zone, i.e., south of a line extending directly east from the Georgia/Florida boundary, the specific trip limits vary depending on the percentage of catch of the adjusted allocation. The adjusted allocation is the commercial allocation for Atlantic migratory group Spanish mackerel reduced by an amount calculated to allow continued harvests of Atlantic group Spanish mackerel at the rate of 500 lb (227 kg) per vessel per day for the remainder of the fishing year after the adjusted allocation is reached. Concomitant with the increased commercial allocation, the Councils recommended that the adjusted allocation be increased from 4.25 million (1.93 million kg) to 4.35 million lb (1.97 million kg).

The commercial sector of the Gulf group king mackerel fishery in the eastern zone (off Florida) also is managed under trip limits. The proposed trip limit changes for the Florida east and west coast sub-zones and quotas would be established by a separate and collateral action, i.e., Amendment 7 to the FMP, the proposed rule for which was published on June 1, 1994 (59 FR 28330). Measures proposed in Amendment 7, along with the trip limits proposed in this rule, are expected to enhance compatibility between Federal and State regulations, increase enforceability, allocate the resource fairly, reduce conflicts among users, extend the harvest season, increase the value of the fishery, and afford greater protection to the resource.

For the Florida east coast sub-zone, the Councils proposed commercial vessel trip limits of 50 king mackerel per day until 75 percent of the sub-zone's fishing year quota has been harvested, then 25 king mackerel per day until the entire quota has been harvested or until March 31, whichever occurs first. Last season, the trip limit was reduced from 50 to 25 fish per day when 50 percent of the quota was taken and remained at that level through March 31, 1994. As proposed in Amendment 7, the Florida east coast sub-zone would exist November 1 through March 31 and encompass the waters off the Florida east coast from a

line extending directly east from the Dade/Monroe County boundary (25°20.4' N. lat.) to a line extending directly east from the Volusia/Flagler County boundary (29°25' N. lat.).

For the Florida west coast sub-zone, the Councils recommended daily trip limits only for vessels harvesting king mackerel under the gillnet quota proposed in Amendment 7; they recommended no trip limits for vessels fishing under the hook-and-line quota proposed in that amendment. The daily possession/landing limit for a vessel using gillnets and having obtained a proposed gillnet endorsement on its Federal commercial mackerel permit would be 25,000 lb (11,340 kg) for the taking of the first 90 percent of the gillnet quota, then be reduced to 15,000 lb/day (6,804 kg/day) until the entire quota has been harvested. These trip limits would replace the 50-fish limit that was implemented during the 1993-94 season when 75 percent of the west coast sub-zone quota was taken. As proposed under Amendment 7, from November 1 through March 31, the Florida west coast sub-zone would encompass the waters off the southeast, south, and west coasts of Florida from the Dade/Monroe County boundary (25°20.4' N. lat.) to a line extending directly south from the Alabama/Florida boundary (87°31'06" W. long.): From April 1 through October 31, when the boundary separating the Gulf and Atlantic groups of king mackerel is a line extending directly west from the Monroe/Collier boundary (25°48' N. lat.), the west coast sub-zone would extend from that boundary to the Alabama/Florida boundary and would exclude the Florida Keys (Monroe County).

The Regional Director initially concurs that the Councils' recommendations are necessary to protect the king and Spanish mackerel stocks and prevent overfishing and that they are consistent with the objectives of the FMP. Accordingly, the Councils' recommended changes are published for comment.

#### Classification

This proposed rule is exempt from review under E.O. 12866.

The General Counsel of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities.

The proposed reduction in the TAC for Atlantic group king mackerel is not expected to affect the revenues of small entities. Except for the 1988/89 fishing

season, neither the commercial nor the recreational allocation has been filled, and for the last five consecutive fishing years, neither fishery has been closed.

The increase in TAC for the Atlantic group of Spanish mackerel will only slightly increase revenues to the commercial industry. The proposed trip limits for Gulf group king mackerel are expected to result in small increases in benefits for the industry. As a result, a regulatory flexibility analysis was not prepared.

#### List of Subjects in 50 CFR Part 642

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: August 3, 1994.

Charles Karnella,

Acting Program Management Officer,  
National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 642 is proposed to be amended as follows:

#### PART 642—COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

1. The authority citation for part 642 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

##### § 642.25 [Amended]

2. In § 642.25, in paragraph (a)(2), the numbers "3.90" and "1.77" are revised to read "3.71" and "1.68", respectively; in paragraph (b)(2), the numbers "4.50" and "2.04" are revised to read "4.60" and "2.09", respectively.

##### § 642.27 [Amended]

3. In § 642.27, in paragraph (b), the numbers "4.25" and "1.93" are revised to read "4.35" and "1.97", respectively.

4. In § 642.28, as published as a proposed rule on June 1, 1994 (59 FR 28330), in paragraphs (a)(1) and (a)(2), "50 percent" is revised to read "75 percent"; and paragraph (b)(1) is revised to read as follows:

##### § 642.28 Additional limitations for Gulf group king mackerel in the eastern zone.

\* \* \* \* \*

(b) \* \* \*

(1) In the Florida west coast sub-zone, king mackerel in or from the EEZ may be possessed aboard or landed from a vessel for which a permit with a gillnet endorsement has been issued under § 642.4,

(i) From July 1, each fishing year, until 90 percent of the sub-zone's king mackerel quota for vessels fishing with run-around gillnets has been harvested—in amounts not exceeding 25,000 lb (11,340 kg) of king mackerel per day; and

(ii) From the date, each fishing year that 90 percent of the sub-zone's king mackerel quota for vessels fishing with run-around gillnets has been harvested until a closure of the Florida west coast sub-zone's commercial fishery for vessels fishing with run-around gillnets has been effected under § 642.26—in amounts not exceeding 15,000 lb (6,804 kg) per day.

\* \* \* \* \*

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